

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LIMING HE,

Plaintiff,

- against -

WAI TENG LEONG, WING TO LEONG,  
EASTERN CORPORATION, EASTERN CORP.  
(SUSHI YA) JAPANESE REST., ABC  
CORPORATION, JOHN DOE, and JANE DOE,

Defendants.

**ORDER**  
**11 CV 2837 (SLT)(LB)**

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**BLOOM, United States Magistrate Judge:**

Plaintiff informs the Court that the parties have reached a settlement of this FLSA action in principle and requests that the Court adjourn the status conference scheduled for February 15, 2012. (Docket entry 9.) Plaintiff states that additional time is needed “to finalize the settlement agreement and submit same to the Court for approval, if needed.” (*Id.*) The Court hereby adjourns the February 15, 2012 status conference without date and directs the parties to electronically file the settlement agreement and supporting documents by March 14, 2012 as follows.

The purpose of FLSA is “to secure for the lowest paid segment of the nation’s workers a subsistence wage.” D.A. Schulte, Inc. v. Gangi, 328 U.S. 108, 116 (1946). Accordingly, in order “to protect employees from inequality in bargaining powers,” a FLSA settlement must be supervised by the Secretary of Labor or judicially approved. Marfak v. Vincenzo Peretta & Volatour, Inc., No. 10 Civ. 7785 (DLC), 2011 U.S. Dist. LEXIS 48994, at \*4-5 (S.D.N.Y. May 6,

2011) (citing D.A. Schulte, Inc., 328 U.S. at 115). When reviewing a proposed FLSA settlement agreement, “[t]he Court needs to be presented with sufficient evidence in order to determine whether the settlement agreement represents a fair and reasonable resolution of the disputes.” Mosquera v. Masada Auto Sales, Ltd., No. 09-CV-4925 (NGG), 2011 U.S. Dist. LEXIS 7476, at \*3 (E.D.N.Y. Jan. 25, 2011) (citation and internal quotation marks omitted). “Because judicial approval is required for settlement under the FLSA, settlement agreements in FLSA cases are judicial documents to which a presumption of public access applies.” Martinez v. Ragtime Foods of N.Y., Inc., No. 11-CV-1483 (JG)(CLP), 2011 U.S. Dist. LEXIS 130357, at \*2 (E.D.N.Y. Nov. 10, 2011) (citations omitted).

Accordingly, the parties shall file the settlement agreement and move in accordance with Judge Townes’ individual rules for judicial approval of the settlement by March 14, 2012. Should the parties consent under 28 U.S.C. § 636(c) to the jurisdiction of a magistrate judge, they shall electronically file the signed magistrate judge consent form, settlement agreement, and supporting documents by March 14, 2012, which I shall promptly review.

SO ORDERED.

Dated: February 13, 2012  
Brooklyn, New York

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LOIS BLOOM  
United States Magistrate Judge